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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,684	01/31/2005	Luis E. Quijano	QUIJANO-0001	8951
51353	7590	11/06/2007	EXAMINER	
ROBERTO J. RIOS			COLLINS, TIMOTHY D	
256 ELEANOR ROOSVELT				
SAN JUAN, PR 00918				
			ART UNIT	PAPER NUMBER
			3643	
			MAIL DATE	DELIVERY MODE
			11/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/522,684	QUIJANO, LUIS E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy D. Collins	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20, 22, 25-27, 29, 31, 34-36, 38, 40 and 60-63 is/are pending in the application.
- 4a) Of the above claim(s) 7-18, 20, 22, 25-27, 29, 31, 34-36, 38 and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6 and 60-63 is/are rejected.
- 7) ☒ Claim(s) 3 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1-31-05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/5/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of invention I in the reply filed on 9/6/07 is acknowledged. The traversal is on the ground(s) that there is no separable special technical feature. This is not found persuasive because as the examiner has pointed out there is reason to separate for the listed reasons. Also it appears that the applicant has argued restriction practice and not 371 practice, the examiner does not need to specify the detailed reasoning in the 371 case.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,6,60,61, and 62 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US 3458188 to Infante (hereinafter called 188).

- a. Re claim 1, 188 discloses a spreader bar 10, and arm 64, with hook 62. The spreader bar also meets the functional language of being "for use with a conveyance device" because it may be used to hold a kite. Also it is adapted to be hooked to a control element at the hook 62.
- b. Re claim 2, 188 discloses an arm 64 which has a hole through it which is the tether connector integral to the hook, because the arm and hook are integrated together.
- c. Re claim 6, 188 discloses a snap hook at number 62.
- d. Re claim 60, 188 discloses that the hook is rotatably mounted on the arm as seen in figure 1 at least.
- e. Re claim 61, 188 discloses inherently that the device may be used with a wind powered device, because this is functional.
- f. Re claim 62, 188 discloses inherently that the device may be used with a self-propelled device, because this is functional.
- g. Re claim 1, 188 discloses a spreader bar 10, and arm 52, with hook 62 (at the opposite end of the arm from the spreader bar). The spreader bar also meets the functional language of being "for use with a conveyance device" because it may be used to hold a kite. Also it is adapted to be hooked to a control element at the hook 62.
- h. Re claim 2, 188 discloses an arm 52 which has a hole through it 58 which is the tether connector integral to the hook, because the arm and hook are integrated together.

- i. Re claim 4, 188 discloses that there is a quick release 62 (by the spreader bar 10) which enables the arm to be released from the spreader bar.
  - j. Re claim 6, 188 discloses a snap hook at number 62.
  - k. Re claim 60, 188 discloses that the hook is rotatably mounted on the arm as seen in figure 1 at least.
  - l. Re claim 61, 188 discloses inherently that the device may be used with a wind powered device, because this is functional.
  - m. Re claim 62, 188 discloses inherently that the device may be used with a self-propelled device, because this is functional.
  - n. Re claim 63, 188 discloses that the hook may be released from the arm by the quick release which is opening of the hook member 62 from the end of the arm opposite the spreader bar.
4. Claims 1,60,61, and 62 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US 6682018 to Sinclair (hereinafter called 018).
- o. Re claim 1, 018 discloses a spreader bar 6, with an arm (no numbers in figure 3, but the large vertical member between the two sections of 4), and a hook 15. The spreader bar also meets the functional language of being "for use with a conveyance device" because it may be used to hold a kite. Also it is adapted to be hooked to a control element at the hook 15.
  - p. Re claim 60, 018 discloses that the hook is rotatably mounted as seen in the description of figure 3 in column 3 of the patent. The swivel mechanisms are numbered as 4.

- q. Re claim 61, 018 discloses inherently that the device may be used with a wind powered device, because this is functional.
  - r. Re claim 62, 018 discloses inherently that the device may be used with a self-propelled device, because this is functional.
5. Claims 1,2,61, and 62 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US 2004/0195459 to Pouchkarev (hereinafter called 459).
- s. Re claim 1, 459 discloses a spreader bar 8, an arm (on the hook, the long members), and a hook (hook around part 30). The spreader bar also meets the functional language of being "for use with a conveyance device" because it may be used to hold a kite. Also it is adapted to be hooked to a control element at the hook.
  - t. Re claim 2, 459 discloses a tether connector in that a tether 7 is attached to the hook via the members 8. This is integrated with the hook.
  - u. Re claim 61, 459 discloses inherently that the device may be used with a wind powered device, because this is functional.
  - v. Re claim 62, 459 discloses inherently that the device may be used with a self-propelled device, because this is functional.

***Allowable Subject Matter***

6. Claims 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Collins whose telephone number is 571-272-6886. The examiner can normally be reached on M-F, 7:00-3:00, with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy D. Collins/  
Timothy D. Collins  
Primary Examiner  
Art Unit 3643